

PRELIMINARY DIGEST

May 8, 2023

**SENATE AND HOUSE BILLS ENACTED
BY THE
SEVENTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO**

2023 - First Regular Session

* * * * *

Includes 120 digests of the 180 bills
that have been passed by
the General Assembly and acted on by the Governor

* * * * *

The first date appearing after each digest entry is the date on which the Act was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the Act. At the time of publication, some measures that do not contain a safety clause will appear with a notation that it is effective on the 91st day after sine die. The official date for these bills will appear in the final digest that is published in June. Vetoed bills are designated and marked "VETOED".

Bills are in categorical order. This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive of the contents of the bills.

Compiled by the
Office of Legislative Legal Services

AGRICULTURE

S.B. 23-50 Department of agriculture - agricultural future loan program - expansion of eligibility - extension of program indefinitely. The act expands the scope of the Colorado agricultural future loan program by amending the following definitions as follows:

- Includes in the definition of "eligible business" entities that will be in operation in the near future;
- Includes in the definition of "eligible farmer or rancher" farmers and ranchers that will own or operate a farm or ranch; and
- Includes in the definition of "farm-to-market infrastructure loan" the development or manufacturing of technology designed to benefit farmers and ranchers.

The act also removes the repeal of the loan program.

APPROVED by Governor March 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1094 Department of agriculture - agricultural workforce development program. The act extends the duration of internships under the agricultural workforce development program from up to 6 months to up to one year. The act also extends the repeal date of the program by 5 years, to July 1, 2029.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

H.B. 23-1179 Agricultural products inspection cash fund - reserve limit. Colorado law limits the amount of uncommitted money that may remain in a cash fund at the end of a state fiscal year to 16.5% of the amount spent during the fiscal year. The act exempts the agricultural products inspection cash fund from the 16.5% uncommitted balance limit and instead imposes a limit of 50% of the amount spent from the fund during the fiscal year.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

AIRCRAFT AND AIRPORTS

H.B. 23-1156 Aeronautics - airports - public airport authorities. The Public Airport Authority Law authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities. The act modernizes the Public Airport Authority Law by:

- Clarifying the extent of the power of a county, a municipality, or a combination of counties and municipalities, to terminate an airport authority. The act requires a terminating county, municipality, or combination to assume the terminated authority's outstanding financial and contractual obligations, maintain the airport that the airport authority previously operated, and receive and hold title to the land on which the airport is located.
- Specifying that members of an airport authority's board of commissioners (board) do not receive compensation for their services, are local government officials, and are subject to the statutory ethics and conflict of interest provisions that apply to local government officials;
- Clarifying that a member of a board who was appointed to fill a vacancy may be appointed to serve a successive term, and that board meetings are subject to statutory open meetings requirements;
- Changing the requirement that 60% of board members be present for a quorum to 50%;
- Clarifying that the majority vote of all members of a board is required for questions involving the inclusion in or exclusion from an airport authority of a municipality or county and for authorizing an expenditure greater than \$250,000;
- Modifying the process by which a board procures contracts, including updating the process for a board to award a contract to the lowest bidder after soliciting an invitation for bids and clarifying that the process to award a contract to the lowest bidder applies only to capital improvement projects and the purchase of new vehicles and equipment;
- Clarifying an airport authority's powers to remove hazards and encroachments, impose fees on airport users to defray the cost of operating an airport, and regulate commercial activities conducted at an airport;
- Clarifying that an airport authority must follow local zoning regulations when erecting structures within an airport authority and that an airport authority may invest surplus money in a local government investment pool;
- Allowing an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the airport authority's benefit or modify or adopt certain local zoning regulations; and
- Clarifying that tenants or users of an airport that an airport authority operates are not entitled to any of the tax exemptions that apply to airport authorities.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

APPROPRIATIONS

S.B. 23-112 Supplemental appropriations - department of agriculture. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of agriculture. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-113 Supplemental appropriations - department of corrections. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund and cash funds portions of the appropriation were increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-114 Supplemental appropriations - department of early childhood. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of early childhood. The general fund portion of the appropriation is increased.

House Bill 22-1295, concerning the department of early childhood and universal preschool program, is amended to balance and make adjustments to the amount appropriated to the department of early childhood. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-115 Supplemental appropriations - the department of education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general fund and cash funds of the appropriation are increased and the reappropriated funds is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-116 Supplemental appropriations - offices of the governor, lieutenant governor, and state planning and budgeting. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and the reappropriated funds portion of the appropriation are increased.

Amends House Bill 21-1289, concerning broadband deployment, to decrease the appropriation to the office of the governor for use by the office of information technology for use by the Colorado broadband office.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-117 Supplemental appropriations - department of health care policy and financing. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and reappropriated funds of the appropriation are decreased and the federal funds are increased.

A new appropriation to the department for overexpenditures of line item appropriations in the 2021 long bill is made.

House Bill 22-1295, concerning department early childhood and universal preschool program, is amended to decrease the amount appropriated to the department for use by the executive director's office, transfers to/from other departments and it is subject to the (M) notation defined in the general appropriation act. The amount the department will receive in federal funds is increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-118 Supplemental appropriations - department of higher education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. The general fund and the reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-119 Supplemental appropriations - department of human services. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

House Bill 22-1278 is amended to adjust the amount appropriated to the department of human services for use by the executive director's office.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-120 Supplemental appropriations - judicial department. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and cash funds portions are

increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-121 Supplemental appropriations - department of labor and employment. The 2022 general appropriations acts is amended to balance and make adjustments to the total amounts appropriated to the department of labor and employment. The general fund, cash funds, reappropriated, and federal funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-122 Supplemental appropriation - department of law. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of law. The general fund, cash funds, and reappropriated funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-123 Supplemental appropriation - department of legislature. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of legislature. The general fund portion of the appropriation is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-124 Supplemental appropriations - department of local affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of local affairs. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-125 Supplemental appropriations - department of military and veterans affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-126 Supplemental appropriations - department of natural resources. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of natural resources. The general fund, cash funds,

reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-127 Supplemental appropriations - department of personnel. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The 2021 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The reappropriated funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-128 Supplemental appropriations - department of public health and environment. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public health and environment. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the general fund portion for the 2023-24 fiscal year for the same purpose.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the reappropriated funds portion for the 2025-26 fiscal year for the same purpose.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-129 Supplemental appropriations - department of public safety. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public safety. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-130 Supplemental appropriations - department of regulatory agencies. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts

appropriated to the department of regulatory agencies. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-131 Supplemental appropriations - department of revenue. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of revenue. The general fund portion of the appropriation is decreased and cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-134 Supplemental appropriations - department of the treasury. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-135 Supplemental appropriations - capital construction projects. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

Supplemental appropriations are made for capital construction projects.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-197 Legislative appropriation - 2023-24 state fiscal year - legislative department expenses. The act appropriates \$67,254,584 to the legislative department for the payment of expenses in the 2023-24 state fiscal year. Of this amount, \$65,524,678 is from the general fund, \$90,000 is from cash funds, and \$1,639,906 is from reappropriated funds.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

CHILDREN AND DOMESTIC MATTERS

S.B. 23-217 Records and reports cash fund - fee for background checks for child abuse or neglect. Current law authorizes the department of human services to establish and collect a fee for background checks for child abuse or neglect (background checks). That fee then is required to cover the direct and indirect costs of the background check and the direct and indirect costs of administering the appeals process and release of information for a person who is found to be responsible in a confirmed report of child abuse or neglect (appeals processes). The act eliminates the requirement that the fee for background checks cover the direct and indirect costs associated with the appeals processes.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1043 Placements with relative or kin - procedures - fingerprint-based criminal history record check - rules. The act clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin.

For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis.

If the child or youth has been placed with a relative or kin on an emergency basis, the adults shall, no more than 14 days after the placement, submit a complete set of fingerprints to the county department or another designated third party to conduct a state and national fingerprint-based criminal history record check. If the results of the fingerprint-based criminal history record check reveal a felony conviction, the child or youth must be immediately removed from the placement unless there is a motion regarding placement pending before the court. A court may review the placement and affirm or deny placement of the child or youth with the relative or kin.

The act sets forth the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin.

A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms with rules promulgated by the state board of human services or if a court affirms the placement.

The state board of human services is granted authority to promulgate rules concerning

emergency and nonemergency, continuing placement of children and youth with relatives or kin.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1145 Juveniles in adult facilities - timelines while awaiting trial. The act aligns the timelines for hearings in Colorado law for a juvenile already ordered to be held in an adult facility while awaiting trial with the timelines in the federal "Juvenile Justice and Delinquency Prevention Act".

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

H.B. 23-1157 Child custody - unlawful transfer of child custody. The act enacts the "Uniform Unregulated Child Custody Transfer Act" (act), drafted by the uniform law commission.

The act applies to the parent, guardian, or custodian of a child, or an individual with whom a child has been placed for adoption, who wishes to terminate the parent-child relationship and is not transferring custody to family or friends. The act prohibits soliciting or advertising to transfer custody or transferring custody of a child by means other than a legal adoption or guardianship proceeding, a judicial award of custody, other judicial or tribal action, or Colorado's safe haven law.

The act applies to the placement for adoption of a child who has been or is in foster care or institutional care, has previously been adopted, or is in the process of being adopted. The act requires child placement agencies facilitating an adoption to:

- Provide prospective adoptive parents with general information about adopting children, specific information about the prospective adoptee, and guidance and instruction on meeting the needs of the adoptee; and
- Upon the request of a child placed for adoption or the child's adoptive parents, provide information on accessing certain post-placement and post-adoption support services to the adoptee and parent to help preserve the adoption.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 23-37 Colorado consumer protection act - solicitations related to the secretary of state - required disclosures - prohibited acts - unfair or deceptive trade practice. The act requires a person who solicits a fee for filing a document with, or retrieving a public record from, the secretary of state to include specific disclosure language in the solicitation. The person must also include information on where the document can be filed directly with the secretary of state, or where the public record can be retrieved, and the name and physical address of the person who is soliciting.

The act also prohibits the use of any form, deadline dates, or other language that makes the document used for solicitation appear to be issued by a state agency or local government or that appears to impose a legal duty on the person being solicited.

Violation of these requirements is an unfair or deceptive trade practice.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1011 Consumer protection - deceptive trade practice - right to repair agricultural equipment - manufacturer to facilitate owner or third-party repairs. Usually, an owner of agricultural equipment must seek diagnostic, maintenance, or repair services of the equipment from the agricultural equipment manufacturer (manufacturer).

Starting January 1, 2024, the act requires a manufacturer to provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information (resources), to independent repair providers and owners of the manufacturer's agricultural equipment to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's agricultural equipment. A manufacturer's failure to comply with the requirement to provide resources is a deceptive trade practice.

The act folds agricultural equipment into the existing consumer right-to-repair statutes and adds data to the list of resources that a manufacturer must provide to independent repair providers or owners. An independent repair provider or owner is not authorized to make any modifications to agricultural equipment that deactivates a safety notification system or brings the equipment out of compliance with safety or emissions laws or to engage in any conduct that would evade emissions, copyright, trademark, or patent laws.

If an agricultural equipment manufacturer enters into a nationwide memorandum of understanding regarding right-to-repair agricultural equipment, the manufacturer is still obligated to meet the requirements of this act.

If Congress enacts federal legislation regarding the right to repair agricultural

equipment, this act will be repealed.

APPROVED by Governor April 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

CORRECTIONS

S.B. 23-242 Financial audit - department of public safety - division of criminal justice - community corrections programs - appropriation. Starting no later than January 1, 2024, The act requires the division of criminal justice (division) in the department of public safety (department) to contract with a third party every 5 years to conduct a financial audit of community corrections programs and report findings to the joint budget committee and the division of criminal justice by July 1, 2025.

\$100,000 is appropriated to the department from the general fund for use by the division for administrative services.

APPROVED by Governor April 17, 2024

EFFECTIVE August 7, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1037 Earned time - credit for education program completion. The act requires the department of corrections (department) to, for an inmate who was sentenced for a nonviolent felony offense, deduct earned time from the inmate's sentence for each accredited degree or other credential awarded by an institution of higher education to the inmate while the inmate is incarcerated or on parole, in the following amounts:

- 18 months of earned time for a master's degree and 2 years of earned time for a doctoral degree;
- One year of earned time for receiving an associate or baccalaureate degree; and
- 6 months of earned time for receiving a certificate or other credential that requires completion of at least 30 credit hours.

The act requires the department to designate up to six regionally accredited institutions of higher education that may award a degree or credential to an inmate for which earned time must be deducted.

The act requires the general assembly to annually appropriate to the department of higher education the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential. The appropriation to the department of higher education is for allocation to institutions of higher education that offer accredited programs in correctional facilities.

APPROVED by Governor April 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

COURTS

S.B. 23-168 Firearms and ammunition manufacturers - standards of conduct - cause of action. Current law limits product liability actions against manufacturers of firearms and ammunition to situations in which there was a defect in the design or manufacture of a firearm or ammunition. The act repeals that limitation.

The act defines the terms "firearm industry member" (industry member) and "firearm industry product" (industry product) and requires each industry member that is engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of an industry product in Colorado to establish and implement reasonable controls and precautions related to the industry product in its control.

An industry member shall not knowingly engage in conduct, through acts or omissions, that violates statutory firearms provisions or the "Colorado Consumer Protection Act".

If an industry member's knowing violation of the provisions of the act creates a reasonably foreseeable risk of harm, the violation is presumed to be the proximate cause of the harm in an action brought pursuant to the act. An intervening act by a third party, including unlawful misuse of an industry product, does not protect an industry member from liability. A cause of action may be brought within 5 years after the date that the violation or harm occurs.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

S.B. 23-170 Extreme risk protection orders - additional petitioners - public education campaign - appropriation. The act repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The act expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The act requires the office of gun violence prevention to expend funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

The act appropriates:

- \$140,462 from the general fund to judicial department to implement the act; and
- \$238,846 from the general fund to the department of public safety.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

S.B. 23-227 Contract attorney time - annual increase. The act creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2023-24 is \$100 per hour. The hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-230 Twenty-third judicial district - county reimbursement - appropriation. The act directs the state court administrator's office to reimburse counties located in the eighteenth judicial district for expenses related to establishing a district attorney's office in the new twenty-third judicial district.

The act appropriates \$668,600 to the judicial department.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

CRIMINAL LAW AND PROCEDURE

S.B. 23-95 Aircraft - unlawful use of a laser device. The act creates the offense of unlawfully aiming a laser device at an aircraft (offense), which is a class 6 felony. A person commits the offense when the person knowingly points, focuses, or aims a laser device at an aircraft while the aircraft is occupied and the incident is reported to law enforcement by the pilot or crew member of the impacted aircraft.

The act provides exemptions for a person who points a laser device at an aircraft under certain circumstances.

The act takes effect July 1, 2023, and it applies to violations occurring on or after the effective date of the act.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-169 Offenses related to firearms - unlawful purchase of a firearm if less than 21 years of age. Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The act increases the age to legally purchase a firearm to 21 years of age or older.

The act makes the unlawful purchase of a firearm by a person who is less than 21 years of age a class 2 misdemeanor and makes it unlawful for a licensed or unlicensed gun dealer to facilitate such a sale. Exceptions include:

- The person is an active member of the United States armed forces; or
- The person is a peace officer or certified by the P.O.S.T. board.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1151 Bond hearings - 48-hour hearing requirement. Current law requires an individual who is in jail to be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The act clarifies the circumstances when the 48-hour requirement does not apply when the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff shall create a list of those individuals, the date of the individual's arrest, and the location where the individual is in custody. The sheriff shall document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. As soon as an emergency has sufficiently abated, the act requires the sheriff to make the in-custody arrestee available to appear.

The act also clarifies that the 48-hour requirement applies regardless of whether:

- The individual is held in custody in a jurisdiction other than the one that issues

- the arrest warrant;
- Money bond was previously set ex parte; or
- The in-custody arrestee did not appear for a first appearance.

APPROVED by Governor April 20, 2023

EFFECTIVE October 1, 2023

H.B. 23-1219 Firearm sales - waiting period. The act establishes a waiting period before a firearms seller may deliver a firearm to a purchaser. The waiting period is the later in time of 3 days after the initiation of a required background check of the purchaser or when the purchase is approved following any background check. Delivering a firearm prior to the expiration of the waiting period is a civil infraction, punishable by a \$500 fine for a first offense and a \$500 to \$5,000 fine for a second or subsequent offense.

The waiting period does not apply to the sale of an antique firearm or a curio or relic; the sale of a firearm by a person serving in the armed forces who will be deployed outside of the United States within the next 30 days to any family member; or a firearm transfer for which a background check is not required pursuant to state or federal law.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

EARLY CHILDHOOD PROGRAMS AND SERVICES

S.B. 23-216 Department of early childhood - Colorado universal preschool program. Current law requires the general assembly to transfer money to the preschool programs cash fund from the general fund or the state education fund in the 2023-24 and 2024-25 state fiscal years. Beginning in the 2024-25 state fiscal year, the amount transferred is required to increase by the rate of inflation.

The act repeals those requirements and instead requires the general assembly to appropriate money to the department of early childhood (department) for the 2023-24 state fiscal year for purposes of the Colorado universal preschool program. Beginning in the 2024-25 state fiscal year, and each year thereafter, the amount appropriated must increase annually by the rate of inflation.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

EDUCATION - PUBLIC SCHOOLS

S.B. 23-8 Youth involvement state education standards - appropriation. The act creates several opportunities for youth, defined as the age of eligibility for membership in the Colorado youth advisory council, to be involved in the review of the state's education standards. Youth representatives are appointed as follows:

- The commissioner of education (commissioner) shall appoint youth representatives from nominations submitted by schools throughout the state to participate in the standards development process, which includes community engagement;
- The commissioner shall appoint 2 youth representatives to any regional educator meetings; and
- Each local education provider shall appoint 2 youth representatives to any review committees for local education providers.

In each instance, the appointing authority shall select the youth representatives from nominations submitted by schools throughout the state, and, when possible, one must be from an urban area and one must be from a rural area.

Youth representatives may be reappointed pursuant to each committee's process. The department of education (department) may compensate youth representatives for actual expenses incurred with participation, and, if appropriate, provide a stipend in an amount determined by the department.

The department shall promote the opportunities for youth involvement and request schools nominate youth to participate.

For the 2023-24 state fiscal year, the act appropriates \$7,650 to the department of education from the general fund. The department may use this appropriation for content specialists.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-23 High school - CPR training. The act encourages all public high schools and all high schools that participate in the Colorado comprehensive health education program in the state to provide instruction on cardiopulmonary resuscitation and the use of an automated external defibrillator to students in grades 9 through 12.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-70 Safe2tell - training for school resource training - operational survey. Beginning on or before August 1, 2024, the act requires the department of law to annually convene a

training for school resource officers and school officials to discuss best practices in responding to safe2tell reports, including defining roles, communication about a report, outcome reporting, and training resources to improve school resource officers' support of students and school staff. Safe2tell may conduct a survey to collect data and discussions regarding its operations.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-86 Student leaders institute - change to department oversight - appropriation. The act continues the Colorado student leaders institute program and changes responsibility for the program from the department of higher education to the department of education. This change shifts oversight of the program from a governor-appointed executive board to the state board of education.

The act transfers the long bill appropriation for the program from the department of higher education to the department of education. The bill appropriates \$8,184 from the general fund to department of education to implement the act.

APPROVED by Governor April 27, 2023

PORTIONS EFFECTIVE June 30, 2023

PORTIONS EFFECTIVE July 1, 2023

S.B. 23-136 School funding - adjustments for the 2022-23 school year - reducing an appropriation. The general assembly recognizes that the actual funded pupil count was lower and the at-risk pupil count was higher than expected when the appropriation amount for the state share of total program funding was established during the 2022 legislative session, resulting in an overall increase in total program funding for the 2022-23 budget year.

In addition, the local property tax revenue and specific ownership tax revenue are higher than anticipated, resulting in an increase in the local share of total program funding.

The act declares the general assembly's intent to maintain the budget stabilization factor at the amount of the original appropriation for the 2022-23 budget year.

The act decreases the appropriation for the state share of total program funding by \$76,383,372 in cash funds from the state education fund and adjusts the 2022-23 state fiscal year long bill accordingly.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-219 Department of education - facility schools - specialized day school - accrediting measures -shared operational services grant program - technical assistance center-appropriation. Current law allows approved facility schools (approved schools) to include day treatment centers, residential child care facilities, facilities licensed by the department of human services, or hospitals licensed by the department of public health and environment. The act creates the specialized day school as a type of approved school. The facility schools board (board) shall promulgate rules for a facility to become authorized to operate as a

specialized day school.

Current law requires the board to adopt accountability measures. The act requires the board to adopt accountability and accreditation measures for approved schools. Beginning December 1, 2026, the state board of education shall begin accrediting approved schools based on recommendations of the board. The act requires the board to create an accreditation outcome report for each approved school. The office of facility schools (office) must publish the reports annually.

The act requires the department of education (department), department of human services, the department of health care policy and financing, and the department of public health and environment to collaborate and create an interagency resource guide to provide assistance to facilities that are pursuing licensing or authorization to operate as an approved school. The act requires the state agencies to identify and recommend legislation and changes to each department's respective rules and administrative processes to facilitate licensing, authorization, and approval processes for facilities seeking to operate as approved schools.

The act creates the shared operational services grant program (grant program) to award grants to eligible applicants to contract for 2 years with an organization that coordinates shared operational services. An approved school in conjunction with one or more schools may apply to the grant program for a grant to procure shared operational services that support schools, such as food services, janitorial services, shared office spaces, billing, technical assistance on medicaid services, technology, security, transportation, or purchasing. An organization that provides or coordinates services for approved schools or an agency that oversees approved schools may also apply to the grant program.

The act creates the technical assistance center (center) in the office to provide technical assistance support to school districts and related administrative units, with a priority to serve rural and remote school districts and related administrative units. Beginning in the 2023-24 budget year, the center is required to assess the needs of school districts and related administrative units. Beginning in the 2024-25 budget year, the center shall provide technical assistance support to school districts and related administrative units and prioritize service to rural and remote school districts.

The act creates additional responsibilities for the facility school work group (work group). The work group shall monitor the implementation of changes to the facility school system and educational services for students with exceptionally severe or specialized needs. The act expands work group participation to include parents, guardians, and legal custodians of students with exceptionally severe or specialized needs and therapeutic facilities for students with exceptionally severe or specialized needs that are not approved schools. The act requires the office to contract with a qualified third-party evaluator (evaluator) to evaluate and report whether the work group recommendations resulted in more effective services and better access to those services for students with exceptionally severe and specialized needs.

The act requires the department of health care policy and financing to recommend a plan to provide guidance to approved schools on the eligibility standards required to request and receive medicaid reimbursement funding for therapeutic services to the maximum extent feasible.

The act creates a new baseline funding model for approved schools. The act requires reporting on the new baseline funding model for approved schools.

For the 2023-24 state fiscal year, \$18,780,654 is appropriated to the department from the state education fund to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1025 Charter schools - application timeline - optional timeline for rural school districts. The act extends the timeline from 12 months to 18 months before a charter school is set to open for a prospective charter school to submit to the local board of education an application to become a charter school. The act allows a local board of education to apply to the state board of education for modifications to the timeline set forth in this act. The act creates an optional charter school application timeline for a rural or small rural school district that allows charter school applications outside of the 18-month timeline upon notice to the department of education and public notice on the school district's website.

APPROVED by Governor April 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1089 Public schools - continuing services when students in foster care move residences - special education services - working group. Current law designates that a student in an out-of-home placement is a resident of the school district where the placement is located, even if that student continues to attend a school in another school district. The act designates students in out-of-home placements as residents of the school district of their school of origin as long as the student attends the school of origin, other than an approved facility school, or a state-licensed day treatment facility.

The act requires the state department of human services (department) to organize a working group to identify and address issues related to foster youth education, transportation, and stability and requires the department to provide written recommendations to the general assembly before the 2025 regular legislative session.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

EDUCATION - POSTSECONDARY

S.B. 23-224 Western interstate commission on higher education - student exchange programs. If the Colorado commission on higher education (commission) enters into a professional student exchange program through the western interstate commission on higher education (WICHE), then, subject to available appropriations, the commission shall establish policies to maximize the benefit of the exchange program to Colorado residents. The policies may include, but need not be limited to:

- Policies for Colorado residents seeking postsecondary optometry degrees at institutions in other states. Beginning in the 2024-25 academic year, the commission shall ensure that any student who enters the postsecondary optometry program, as a part of the student's post-educational service commitment, shall agree to provide services to Coloradans enrolled in programs established pursuant to the "Colorado Medical Assistance Act".
- Policies that promote the provision of services in underserved areas. Such policies may include reducing the service requirement for an individual to meet the individual's post-educational service requirement by serving in areas that have insufficient access to optometry services.

The act aligns Colorado law with the current operation of WICHE professional student exchange programs.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1001 Educator retention - assessment of professional competencies - stipend programs - loan forgiveness. The act expands student eligibility for the educator preparation stipend programs by increasing students' expected family contribution from no more than 200% to no more than 250% of the maximum federal Pell-eligible expected family contribution. For the 2022-23 and 2023-24 state fiscal years, expected family contribution is temporarily expanded to no more than 300% of the maximum federal Pell-eligible expected family contribution.

The act allows a student who is eligible for the student educator stipend program to be placed as a student educator in a school- or community-based setting in Colorado or within 100 miles of the Colorado state border.

The act modifies the Colorado commission on higher education considerations of student eligibility for the educator preparation stipend programs specific to funds appropriated for the programs from the economic recovery and relief cash fund.

The act broadens the temporary educator loan forgiveness program (forgiveness program) requirements to allow applicants to be principals or special service providers in addition to teachers.

The act extends the forgiveness program through July 2023, removes requirements

that a school's at-risk student population must exceed 60% in order for an educator to be eligible for the forgiveness program, and expands qualified positions to include positions in any public school, board of cooperative services, or facility school in Colorado. The act also changes how the program prioritizes applicants for the program.

The act directs a portion of the appropriation for the 2022-23 state fiscal year to the department of education for a portfolio management system to facilitate the multiple measures approach to the assessment professional competencies.

APPROVED by Governor April 10, 2023

EFFECTIVE April 10, 2023

H.B. 23-1007 Suicide prevention - student identification card information. The act requires public and private higher education institutions to print Colorado and national crisis and suicide prevention contact information on student identification cards. If an institution does not use student identification cards, the act requires the school to distribute Colorado and national crisis and suicide prevention contact information to the student body each semester or trimester.

APPROVED by Governor March 17, 2023

EFFECTIVE March 17, 2023

H.B. 23-1093 Faculty sabbaticals - staff sabbaticals. Current law allows higher education faculty to take a sabbatical if the governing board of the institution where the faculty member works approves the sabbatical. The act extends sabbatical opportunities to staff of an institution of higher education who serve in a management position or similar capacity.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - COUNTY

S.B. 23-68 Public health - county hospitals - public hospital board of trustees - number of trustees and terms - powers - acquisition of property - incurring indebtedness - products and services offered - county general fund appropriations. The act makes the following changes regarding county public hospitals:

- Allows the board of county commissioners of a county with a population of less than 3,000 to determine, by a resolution of the board of county commissioners, that the public hospital board of trustees (hospital board) will consist of 7, rather than 5, citizens at large and specifies the length of the terms of the additional hospital board trustees in a manner that staggers the terms;
- Authorizes real property to be in the name of either the county or the hospital, rather than only in the name of the county;
- Clarifies that any indebtedness incurred by a hospital board is an obligation of the hospital board and not an obligation of the board of county commissioners;
- Specifies that a hospital board needs the approval of the board of county commissioners before incurring indebtedness only if the repayment of the indebtedness is dependent on tax money received for hospital purposes from the board of county commissioners;
- Allows a hospital board to offer to the general public products and services of any health-care organization, association, partnership, or corporation to the extent that the products and services are consistent with the powers and duties of a county public hospital; and
- Removes the annual 5% limit on appropriations from a county's general fund for the improvement or enlargement of any public hospital established in the county and also allows such money to be used for the operation of a public hospital.

APPROVED by Governor April 3, 2023

EFFECTIVE April 3, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1139 County category modification - county officer salary increases. Current law categorizes each county for purposes of establishing the salaries of elected officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The bill modifies the categories of 9 counties (Archuleta, Delta, Eagle, Grand, Las Animas, Ouray, Pitkin, Saguache, and Summit) with an accompanying percentage increase in salary for the counties' elected officials.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

GOVERNMENT - MUNICIPAL

S.B. 23-52 Municipal powers - lien for costs of removing weeds, brush, and other rubbish from property - recording notice of lien and certifying amount of lien - collection of lien.

The law allows a municipality to levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. Such a lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. A municipal clerk may certify such a lien to a county treasurer for collection. The act requires a county treasurer to accept such a municipal lien for collection if a municipality records a notice of lien within 4 months of abating the nuisance and certifies the amount of the unpaid assessment for which the lien was levied to the county treasurer within one year of recording the notice of lien.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 23-110 Metropolitan districts - service plan to include maximum mill levy and maximum debt to be issued - metropolitan district board annual meeting - statement of registered municipal advisor prior to issuing debt - disclosure by sellers. For a proposed metropolitan district that submits a service plan to one or more boards of county commissioners or one or more governing bodies of a municipality on or after January 1, 2024, the service plan is required to include:

- The maximum mill levy that may be imposed for the payment of general obligation indebtedness, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable; and
- The maximum debt that may be issued by the metropolitan district, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable.

In addition to any other meetings held by the board of directors of a metropolitan district (board), beginning in the 2023 calendar year, the board is required to hold an annual meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not in inactive status. The board is prohibited from taking any official action at the annual meeting and shall ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of public infrastructure projects within the metropolitan district and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year, and an opportunity for members of the public to ask questions about the metropolitan district. In addition, the board is required to provide a public comment period during the separate meeting at which the board adopts the annual budget for the metropolitan district.

Prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying that specified limits on the maximum interest rate of the debt have been met.

On and after January 1, 2024, the seller of residential real property that is located within a metropolitan district is required to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1005 Colorado new energy improvement district - resiliency and water efficiency improvements - notice requirement. The commercial property assessed clean energy program (C-PACE) is part of the new energy improvement program. C-PACE allows owners of

eligible real property to apply to the Colorado new energy improvement district (district) to finance certain energy efficiency improvements. The act allows owners to also apply to the district to finance resiliency improvements and water efficiency improvements.

Additionally, when the district approves a C-PACE application, an owner consents to the district levying a special assessment on an owner's eligible real property. Current law requires the district to notify district members and existing lienholders about the special assessment and the availability of a hearing to resolve any complaints or objections. After a hearing, current law further requires the district to pass a resolution resolving any complaints or objections. The act eliminates the requirements for the district to give notice about a hearing, conduct a hearing, and pass a resolution resolving complaints or objections. Instead of notifying district members and existing lienholders about the availability of a hearing, the act requires the district to send a notice of assessment, which specifies the amount of the special assessment to be levied on the eligible real property and explains that the special assessment constitutes a lien against the eligible real property.

APPROVED by Governor March 8, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1023 Special district construction contracts - notice threshold - inflation adjustment. Public notice for bids on special district construction contracts is currently required when the contract cost is \$60,000 or more. The act increases the notice threshold to \$120,000 or more and requires the amount to be adjusted for inflation every 5 years.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - STATE

S.B. 23-48 Higher education non-tenure track - contracts. The act extends the maximum length of an employment contract between a state system of higher education, or a campus of a state institution of higher education, and an individual who has a non-tenure-track classroom teaching or librarian appointment from 3 years to 5 years.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-74 Human trafficking prevention training - sunset review. The act implements the recommendations of the department of regulatory agencies (department), as contained in the department's 2022 sunset review of the human trafficking prevention training (training). The act continues the training for 7 years, until September 1, 2030.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-137 General fund - transfer to Colorado economic development fund - reporting requirement. The act requires the state treasurer to transfer \$5 million from the general fund to the Colorado economic development fund and requires the Colorado office of economic development (office) to use the transferred money in connection with the federal "Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022". The act also requires the office to submit an annual report to the joint budget committee detailing how the office is expending the transferred money.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-141 General fund transfers for capital construction. For the 2022-23 state fiscal year, the act transfers from the general fund:

- \$5,592,930 to the capital construction fund;
- \$4,908,395 to the real estate proceeds account that is used, subject to annual appropriation, by the adjutant general of the state for capital construction related to armories; and
- \$499,500 to the information technology capital account of the capital construction fund.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-142 Information technology projects - budget requests - appropriations from information technology account within the capital construction fund - review and oversight by joint technology committee upon request of joint budget committee. With exceptions for

the departments of law, state, and the treasury, an executive branch agency and, for a project that is state-funded only, a state-supported institution of higher education is required to submit a budget request for an information technology project to the joint technology committee (JTC) as part of the budget process. In addition, the joint budget committee (JBC) may ask the JTC to review any budget request for an information technology project that was not required to be submitted to the JTC and instead was submitted directly to the JBC.

The act clarifies that a review by the JTC as requested by the JBC may include a request for an information technology project submitted to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury. The act requires the JTC to oversee any such information technology project that receives an appropriation from the information technology account (account) within the capital construction fund.

The act also clarifies that the general assembly may appropriate money in the account for information technology projects that are not subject to review by the JTC and instead are submitted directly to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-215 State employee reserve fund - general fund - transfer. On July 1, 2023, the state treasurer is required to transfer \$4,913,753 from the state employee reserve fund to the general fund.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-234 Paid Family and Medical Leave Insurance Act - employer premiums - termination of prepayment by the state for state employee coverage - transfer from family and medical leave insurance fund to revenue loss restoration cash fund. The act terminates the state's prepayment of insurance premiums for state employee coverage under the paid family and medical leave insurance program based on the state's advance payment of \$57 million to the family and medical leave insurance fund from the revenue loss restoration cash fund in May 2022. The act terminates such prepayment at the end of fiscal year 2023-24 and requires the state treasurer to transfer \$35 million back to the revenue loss restoration cash fund on or as soon as possible after the date on which the balance of the family and medical leave insurance fund reaches \$100 million.

The act further requires that, on or as soon as possible after the date the state controller publishes the comprehensive annual financial report of the state for fiscal year 2023-24, the state treasurer shall transfer any actual additional unexpended amount of the state's \$57 million advance payment from the family and medical leave insurance fund to the revenue loss restoration cash fund. The act makes a conforming amendment to the statute in which the revenue loss restoration cash fund is created.

APPROVED by Governor April 24, 2023

EFFECTIVE April 24, 2023

S.B. 23-235 Litigation management funds - unanticipated legal needs. The act permits the department of law to use money appropriated to the department for litigation management to address unanticipated state legal needs. The department is prohibited from using that money for employee salary increases, promotions, reclassifications, or bonuses, or to offset personal services deficits in the department.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-243 Capital construction - transfers from general fund to capital construction fund. The act requires transfers to be made on July 1, 2023, from the general fund and the general fund exempt account of the general fund to the capital construction fund and the information technology capital account of the capital construction fund as follows:

- \$233,361,030 from the general fund to the capital construction fund;
- \$60,308,481 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-245 Transfer - digital inclusion grant program fund- revenue loss restoration cash fund. The act requires the state treasurer to transfer \$8 million from the digital inclusion grant program fund to the revenue loss restoration cash fund on June 1, 2023.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1053 Department of veterans affairs and department of public safety - authority to accept and expend gifts, grants, and donations. Currently, the division of veterans affairs (division) is authorized to accept gifts, grants, contributions, and donations to the western slope military veterans' cemetery fund but is not authorized to expend such gifts, grants, contributions, or donations. The act gives the division such authority to expend.

Current law also allows certain programs housed within the department of public safety (department) to accept and expend gifts, grants, and donations for each program's specific purpose. However, the department does not have authority to accept or expend gifts, grants, or donations generally. The act authorizes the department to accept and expend gifts, grants, and donations for the purposes of the department and creates the department of public safety gifts, grants, and donations fund. The act does not affect existing programs within the department that are authorized to accept and expend gifts, grants, and donations for their specific purposes.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1064 Interstate teacher mobility compact - notice - repeal. The act creates the "Interstate Teacher Mobility Compact," which is designed to make it easier for teachers from member states, especially active military members and eligible military spouses, to receive a teacher's license from other member states. The compact becomes effective when 10 or more states enact it.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1087 State fiscal rules - authorized advance payment - purchase of state agricultural products by charitable food organization. The act creates an additional exception to the general prohibition on advance payment in the state's fiscal rule by directing the controller to promulgate rules providing for advance payment for the purchase of state agricultural products by a charitable food organization using state grant money.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1106 The fire and police pension association - cost of living adjustments - noncompounding. Current law authorizes the board of the fire and police pension association (FPPA) to grant compounding cost of living adjustments (COLAs). The act authorizes the board of FPPA, within certain limits, to also grant noncompounding COLAs.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1141 State historical society - authority to sell real property no longer within the mission of the state historical society - proceeds to be credited to state museum cash fund. The act grants the state historical society, also known as history Colorado, the authority to sell 3 properties that no longer fit within the mission of history Colorado.

Specifically, the act grants history Colorado the authority to sell the following:

- The real property known as the McFarlane House in Central City;
- The real property known as the Pearce-McAllister Cottage in Denver; and
- The real property known as the Pueblo Museum Support Center, which was used as a storage facility by history Colorado until the artifacts housed at the facility were recently moved to a more northern storage facility for better access by history Colorado staff.

The act specifies that the proceeds of the sales are to be credited to the state museum

cash fund to be used in connection with the acquisition or construction of a consolidated collections care and storage facility or for controlled maintenance.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

HEALTH AND ENVIRONMENT

S.B. 23-140 Independent study of impact and implementation of House Bill 22-1326 - deadline extended - appropriation extended. The act extends the deadline from January 1, 2023, to October 1, 2023, for when the department of public health and environment (department) must contract with an independent entity to conduct a study concerning House Bill 22-1326.

The act extends the authority for the department to use the appropriation received in the 2022-23 state fiscal year to pay for the independent study through the 2024-25 state fiscal year.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-150 Disposable wipes - labeling required - violations. Starting December 31, 2023, the act requires each entity described below to label packages of premoistened, nonwoven disposable wipes (covered product) with the phrase "Do Not Flush":

- A manufacturer of a covered product that is sold or offered for sale in this state; and
- A wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

The act outlines the parameters to which the labeling must adhere in order to comply with state and federal requirements, as applicable, and specifies that a violation of the requirements of the act is a deceptive trade practice under the "Colorado Consumer Protection Act".

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-188 Protections for accessing legally protected health-care activity - reproductive health care - gender-affirming health-care services. The act requires contracts between insurers or other persons and health-care providers regarding the delivery of health-care services to include a provision that prohibits the following actions if the actions are based solely on the health-care provider's provision of, or assistance in the provision of, reproductive health care or gender-affirming health-care services (legally protected health-care activity) in this state, so long as the care provided did not violate Colorado law:

- A medical malpractice insurer from refusing to issue, canceling or terminating, refusing to renew, or imposing any sanctions, fines, penalties, or rate increases for a medical malpractice policy (section 2);
- A health insurer from taking an adverse action against a health-care provider, including refusing to pay for a provided health-care service (section 3);
- A health insurer from refusing to credential a physician as a network provider

- or terminating a physician's status as a network provider (section 4); or
- A person or entity from terminating a health-care contract with a health-care provider, unless the person or entity is a religious organization and legally protected health-care activities conflict with the religious organization's bona fide religious beliefs and practices (section 25).

Section 5 of the act protects an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado (applicant), as well as a health-care professional currently licensed, certified, or registered in Colorado (licensee), from having the license, certification, or registration denied or discipline imposed against the licensee based solely on:

- The applicant's or licensee's provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- A civil or criminal judgment or a professional disciplinary action arising from the provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- The applicant's or licensee's own personal effort to seek or engage in a legally protected health-care activity; or
- A civil or criminal judgment against the applicant or licensee arising from the individual's own personal legally protected health-care activity in this state or another state or United States territory.

Section 6 of the act prohibits a court, judicial officer, court employee, or attorney from issuing a subpoena in connection with a proceeding in another state concerning an individual who accesses a legally protected health-care activity in Colorado or an individual who performs, assists, or aids in the performance of a legally protected health-care activity in Colorado.

Section 7 of the act prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity.

If a medical malpractice action is brought in this state against a health-care provider regulated in this state or another state, section 8 of the act prohibits a court or arbitrator from allowing evidence or witness testimony relating to professional discipline or criminal or civil charges in this state or another state concerning the provision of, or assistance in the provision of, a legally protected health-care activity, so long as the care provided did not violate Colorado law.

Section 9 of the act prohibits a peace officer from knowingly arresting or participating in the arrest of any person who engages in a legally protected health-care activity, unless the acts forming the basis for the arrest constitute a criminal offense in Colorado or violate Colorado law.

Section 10 of the act prohibits the issuance of a search warrant to search for and seize any property that relates to an investigation into a legally protected health-care activity.

Section 11 of the act prohibits a judge from issuing a summons in a case when a prosecution is pending, or when a grand jury investigation has started or is about to start, for a criminal violation of another state's law involving the provision or receipt of or assistance with accessing a legally protected health-care activity that is legal in Colorado, unless the acts forming the basis of the prosecution or investigation would also constitute a criminal offense in Colorado.

Section 12 of the act prohibits the issuance of an ex parte order for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected health-care activity.

Current law allows for the extradition of a person who committed an act in this state that intentionally results in a crime in the state whose executive authority is making the demand, even though the accused was not in the demanding state at the time of the commission of the crime. Section 13 of the act requires the acts for which extradition is sought to be punishable by the laws of this state if the acts occurred in this state and prohibits the governor from surrendering a person charged in another state as a result of the person engaging in a legally protected health-care activity, unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense.

Section 14 of the act requires a correctional facility or private contract prison incarcerating a person who is capable of pregnancy to, regardless of the person's ability to pay, ensure access to abortions by providing a pregnant person with information about abortion providers; referrals to community-based providers of abortions; referrals to community-based organizations that help people pay for abortions; and transportation to access an abortion; and ensure access to miscarriage management, including medication.

Section 15 of the act adds a reproductive health-care services worker to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Section 16 of the act prohibits the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law.

Section 17 through section 20 of the act adds a protected health-care worker to the list of persons authorized to participate in the address confidentiality program.

Section 21 of the act authorizes the attorney general to independently initiate and bring a civil and criminal action to enforce the "Reproductive Health Equity Act".

Section 22 of the act prohibits a state agency from providing any information or using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity

for engaging in a legally protected health-care activity.

Section 23 of the act prohibits a public entity from:

- Restricting any natural or legal person in performing, or prohibit any natural or legal person from providing, reproductive health care through the imposition of licensing, permitting, certification, or similar legislative or regulatory requirements that apply solely to providers of reproductive health care; or
- Prosecuting or otherwise criminally sanctioning any natural or legal person for providing, assisting in the provision of, arranging for, or otherwise assisting a person in accessing reproductive health care performed within the scope of applicable professional licensure and certification requirements.

Section 24 of the act states the venue to enforce an action to under the provisions of the "Reproductive Health Equity Act" is in the Denver district court.

Section 26 and 27 of the act require every local government that has adopted or adopts a zoning ordinance to recognize the provision of outpatient reproductive health care as a permitted use in any zone in which the provision of general outpatient health care is recognized as a permitted use.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-189 Health insurance coverage - HIV prevention drugs - prohibition on cost sharing - HIV treatment drugs - prohibition on step therapy and prior authorization under health benefit plans or medical assistance program - coverage of sterilization services - coverage for preventive health-care services - coverage for total cost of abortion care - health-care providers' authorization to furnish contraception to minors - reproductive health-care program expansion of services - family planning access collaborative - appropriations. The act changes the term "HIV infection prevention drug", as used in the Colorado Revised Statutes, to "HIV prevention drug". The act specifies that, for health benefit plans issued or renewed on or after January 1, 2025, if counseling, prevention, and screening for a sexually transmitted infection (STI) are covered services, the health benefit plan must provide coverage without cost sharing, regardless of the covered person's gender, and the coverage must include HIV prevention drugs and the services necessary for initiation and continued use of an HIV prevention drug consistent with federal guidelines.

The act prohibits, before July 1, 2027, a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before a health-care provider may prescribe or dispense a medication for the treatment of HIV that is included on the insurance carrier's prescription drug formulary as of March 1, 2023. The act requires the division of insurance to contract for a study, which includes consultation with the HIV community, to consider the predicted costs and health impacts of removing step therapy and prior authorization before a health-care provider may prescribe or dispense HIV treatment drugs and to provide the study to the general assembly by October 1, 2026. The act specifies the requirements and time frames for health insurance carriers for certain prior authorization requests related to HIV prescription drug coverage.

Regarding the state medical assistance program, the act prohibits the department of health care policy and financing (state department), before July 1, 2027, from using prior authorization or step therapy requirements for prescription drugs prescribed for the treatment or prevention of HIV, except for utilization review that is necessary for patient safety or for ensuring the prescribed use is for a medically accepted indication.

For health benefit plans issued or renewed on or after January 1, 2025, if sterilization services are a covered service, a health benefit plan must provide the coverage regardless of the covered person's sex or gender and without deductibles, copayments, coinsurance, annual or lifetime maximum benefits, or other cost sharing; except that this provision does not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law.

The act requires mandatory preventive health-care services coverage for health benefit plans to include, in addition to the A and B recommendations of the United States preventive services task force, the recommendations of the advisory committee on immunization practices to the centers for disease control and prevention in the federal department of health and human services (HHS) and the women's, infants', children's, and adolescents' preventive services guidelines of the health resources and services administration in the HHS.

The act requires large employer health benefit plans issued or renewed on and after January 1, 2025, to provide coverage for the total cost of abortion care without policy deductibles, copayments, or coinsurance. Individual and small group health benefit plans must provide this coverage if the HHS confirms the state's determination that the coverage is not subject to state defrayal pursuant to federal law. The provisions relating to abortion care do not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law. Employers are exempted from providing coverage if providing coverage conflicts with the employer's sincerely held religious beliefs or the employer is a public entity prohibited by section 50 of article V of the state constitution from using public funds to pay for induced abortions.

With the minor's consent, a health-care provider acting within the scope of the health-care provider's license, certificate, or registration, may furnish contraceptive procedures, supplies, or information to a minor without notification to or the consent of the minor's parent or parents, legal guardian, or any other person having custody of or decision-making responsibility for the minor.

The act expands the reproductive health-care program administered by the state department to include additional family planning services and family-planning-related services.

The act requires the department of public health and environment (department) to convene a family planning access collaborative, on or before September 1, 2023, to advise the department in identifying access gaps that contribute to Coloradans lacking family planning access. The department shall publish its recommendations on or before December 15, 2023.

To implement the act, for the 2023-24 state fiscal year the act appropriates:

- \$200,000 to the department of public health and environment from the general fund for the family planning access collaborative and corresponding report;

- \$67,627 and 0.5 FTE to the department of regulatory agencies from the division of insurance cash fund; and
- \$23,263 and .1 FTE to the department of law from reappropriated funds received from the department of regulatory agencies for legal services.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

H.B. 23-1031 Reporting requirements - sexually transmitted infections - exemption - mental health professionals not engaged in testing, diagnosing, or treating. Under current law, every health-care provider is required to report specified information about an individual known to the provider to have a diagnosis of or a positive test for a sexually transmitted infection to the department of public health and environment or a local public health agency. The act exempts from this reporting requirement a mental health professional who is not engaged in testing a patient for, diagnosing a patient with, or treating a patient with a sexually transmitted infection.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1058 Lead-based paint abatement - child-occupied facilities. Current law defines "child-occupied facility" for the purposes of lead-based paint abatement as a building or portion of a building that is visited by a child on 2 or more days within any week, with each visit totaling 6 or more hours. The act reduces the total daily visit time to 3 or more hours.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

HEALTH CARE POLICY AND FINANCING

S.B. 23-138 Appropriation - Denver health and hospital authority. For the 2022-23 state fiscal year, the act appropriates \$5 million from the general fund to the department of health care policy and financing to distribute to the Denver health and hospital authority.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-182 Suspension of statutory enrollment and cost-sharing requirements. As a condition of receiving federal money under the federal "Families First Coronavirus Response Act", the state was required to maintain the enrollment of nearly all individuals receiving medicaid until April 1, 2023, at which point the state was given 14 months to return to normal eligibility and enrollment operations. Additionally, due to the declared public health emergency in Colorado in response to the COVID-19 outbreak and to effectuate the federal continuous enrollment requirement, the governor suspended certain statutory requirements related to enrollment and cost sharing in medical assistance programs. The act suspends these requirements statutorily for the 14 months after April 1, 2023.

The act suspends certain other statutory enrollment and cost-sharing requirements until May 31, 2023, or June 1, 2024, and other statutory enrollment requirements until 12 months past the declaration of the end of the federal public health emergency.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-222 Medicaid - copayment - pharmacy and outpatient services - appropriation. The act removes the requirement that medicaid recipients pay a copayment for pharmacy and outpatient services.

\$1,886,150 is appropriated to the department of health care policy and financing (department), consisting of \$1,439,499 from the general fund and \$446,651 from the healthcare affordability and sustainability fee cash fund, for medical and long-term care services for medicaid-eligible individuals. It is anticipated that the department will receive \$5,459,357 in federal funds to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-223 Review process for medicaid provider rates report - submission deadline. Current law requires the department of health care policy and financing to submit a written report to the joint budget committee concerning the review process for medicaid provider rates on or before November 1, 2025, and each November thereafter. The act changes the date of the first written report to November 1, 2023.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

H.B. 23-1040 Prader-Willi syndrome - updates to conform to current law. The act updates information associated with Prader-Willi syndrome to conform to current laws and regulations.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1117 Public services or medical assistance - affidavits of support. The act eliminates the requirement for a person who is lawfully residing in the state, a legal immigrant who is a resident of the state, or a documented individual to refrain from executing an affidavit of support for the purpose of sponsoring a documented individual while the person is receiving public services or medical assistance.

County departments responsible for administering benefits programs under the department of health care policy and financing and the department of human services shall identify and review all current county guidance materials that reference a prohibition on sponsorship as a condition of eligibility for benefits and shall remove all such references from verbal and digital communications and from all physical materials currently provided to applicants or beneficiaries.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 23-040 At-risk adults - CAPS check - staffing agency perform checks - mistreatment report disclosure guardian appeal. Under current law, when an employer is going to hire a person to work in a position in which the person has contact with at-risk adults, the employer must perform a check of the system that contains substantiated claims of mistreatment against an at-risk adult (CAPS check). The bill requires a staffing agency that provides employees who will have contact with at-risk adults to perform a CAPS check and to provide the results to the employer.

Under current law, disclosure of a report of mistreatment or neglect is generally only allowed with a court order. The bill clarifies a court order is not required when the report is disclosed for purposes of a guardian's appeal of a substantiated case of at-risk adult mistreatment.

APPROVED by Governor March 10, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-226 Transitional jobs program - extension. The act extends the time period to offer eligible individuals the opportunity to work in transitional jobs for 5 additional years.

The act extends the repeal date of the transitional jobs program from July 1, 2025, to July 1, 2030.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

INSURANCE

H.B. 23-1004 Insurance documents - translation into other languages - use of language used in advertisements. Current law allows insurance policies to be translated to and issued in a language other than English if the insurer certifies that the English-language policy that is translated complies with state insurance laws. Section 1 of the act requires the insurer to also certify that the policy has been correctly translated by a certified translator or, if a certified translator is not available to translate the policy to the particular language, by a qualified translator who certifies that the translation is correct.

Section 2 requires insurers that issue commercial or personal automobile, homeowners', or renters' insurance policies to offer, make available, and issue the policy application, the policy, and related documents and forms in the same language that the insurer used in advertisements for the policy and to offer an applicant a form to select the applicant's language of choice for those documents. Section 2 also specifies remedies for an insurer's failure to comply with this requirement.

APPROVED by Governor April 11, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

LABOR AND INDUSTRY

S.B. 23-46 Paid family and medical leave - benefit calculation. The act eliminates the requirement that an individual's weekly paid family and medical leave benefit be calculated based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-146 Colorado state apprenticeship resource directory - required information - outreach. In 2019, the general assembly created the Colorado state apprenticeship resource directory (directory), established by the department of labor and employment (department), that lists registered apprenticeship program sponsors that operate programs in Colorado. The act expands the information the department requires apprenticeship programs to submit to include the credits, certificates, or other credentials earned or prepared for through a program; program completion metrics; and wage-related information. The directory must also include information regarding each program's registration information and registered apprenticeship program standards.

The act requires the department, in its efforts to promote awareness of the directory, to conduct annual outreach that includes providing technical assistance and resources to promote apprenticeship openings.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-233 Counties - county employees funded through federal act - merit system required. The act requires a county that seeks to use county department employees (employees) to deliver employment services that are funded through the federal "Wagner-Peyser Act" to create a merit system for the selection, retention, and promotion of these employees. The act requires each county's merit system to conform to specific standards. If a county already has a system in place, the county is required to update the system to comply with the standards.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

MILITARY AND VETERANS

S.B. 23-154 Veterans services - veterans one-stop center in Grand Junction - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the veterans one-stop center in Grand Junction (center) by:

- Continuing the center for 7 years, until September 1, 2030;
- Codifying that the name of the center is the "western region one source"; and
- Setting a December 31, 2023, deadline for the division of veterans affairs, in consultation with the center's advisory board, to develop procedures for evaluating the effectiveness of the center.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-236 Colorado national guard facilities - charges for charging of vehicles at - electric vehicle service equipment fund - appropriation. In order to allow the department of military and veterans affairs (department) to impose charges for the charging of electric vehicles using electric vehicle services equipment (equipment) provided by the department at Colorado National Guard facilities and to use the revenue to fund the ongoing operation of the equipment, the act:

- Creates the electric vehicle service equipment fund (fund);
- Requires all money received by the department from such charges to be credited to the fund;
- Authorizes the department to accept gifts, grants, and donations to be credited to the fund;
- Subject to annual appropriation, authorizes the department to expend money from the fund to defray the costs associated with operation of the equipment; and
- Appropriates \$50,000 from the fund to the department for state fiscal year 2023-24.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

H.B. 23-1045 Leave from employment for military service - public employee or officer - private employee - length of leave - use of paid leave. The act clarifies that a member of the Colorado National Guard or any other component of the military forces of the state who is an officer or employee of a public employer is entitled to a leave of absence from employment for training or active state military service for the equivalent of 3 weeks of work on the officer's or employee's regular work schedule each year. The officer or employee is entitled to use any paid leave available to the officer or employee or to use unpaid leave.

The act clarifies that a member of the Colorado National Guard or the reserve forces of the United States who is an employee of a private employer is entitled to a leave of absence from employment in order to receive military training with the United States armed forces for the equivalent of 3 weeks of work on the employee's regular work schedule each

year. The employee is entitled to use any paid leave available to the employee or to use unpaid leave for the employee's period of absence for military training.

The act clarifies that a private employee is entitled to use any paid leave available to the employee or to use unpaid leave in order to engage in active service in the Colorado National Guard.

The act repeals the requirement that a public employee or officer not be physically or mentally disabled in order to be reinstated to the employee or officer's public position following a leave of absence for active military service.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1052 Property tax exemption for veterans with a disability - eligibility of veterans with individual unemployability status. The state constitution allows a veteran who has a service-connected disability rated as a 100% permanent disability to claim a property tax exemption for a portion of the actual value of the veteran's owner-occupied primary residence. The 100% permanent disability requirement can only be changed through a constitutional amendment. If, at the 2024 general election, the voters of the state approve a constitutional amendment to expand eligibility for the exemption by allowing a veteran who has individual unemployability status, as determined by the United States department of veterans affairs, to claim the exemption, the act makes conforming statutory changes to reflect that expansion of the exemption.

The act also requires a veteran who has individual unemployability status to be treated equivalently to a veteran who has 100% permanent disability when determining eligibility for any state veterans benefit. Finally, to comply with an existing statutory requirement that "people first language" be used in new or amended statutes that refer to persons with disabilities, the act also changes the existing terms "disabled veteran" and "disabled veterans" to "veteran with a disability" and "veterans with a disability".

APPROVED by Governor April 28, 2023

EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 23-15 Vehicle value protection agreements - motor vehicle dealers - protections for value of vehicle - requirements for agreement terms and cancellation. A vehicle value protection agreement (agreement) is a contract that provides benefits when an owner of a vehicle replaces the vehicle at trade-in, when the vehicle is stolen, or after an adverse event that lowers the value of the vehicle. An agreement that complies with the act is not insurance and is not subject to regulation as insurance.

A person who provides an agreement (provider) is prohibited from conditioning the extension of credit, the terms of credit, or the terms of a vehicle sale or lease upon the purchase of an agreement. To be issued, an agreement must:

- Provide a benefit to the consumer upon the trade-in, total loss, or unrecovered theft of a covered vehicle;
- Identify the administrator or provider, the seller, the consumer, and the terms of the sale;
- Guarantee the provider's obligations by an insurance policy; and
- Notify the consumer of the agreement's terms, including cancellation terms.

To cancel an agreement, the provider must mail a notice to the consumer at least 5 days prior to cancellation. However, if the reason for the cancellation is nonpayment, a material misrepresentation, or a substantial breach of duties by the consumer, the cancellation takes effect immediately upon transmission of the notice of cancellation. If an agreement is canceled by the provider for a reason other than nonpayment of the provider fee, the provider is required to make a refund minus actual paid benefits, but the provider may charge a reasonable administrative fee of up to \$75.

The provider is required to guarantee the provider's obligations by an insurance policy, which must provide that:

- The insurer will pay all covered amounts if the provider fails to perform its obligations under the agreement; and
- The consumer may file a claim directly with the insurer for reimbursement.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1014 Yield right-of way - roundabouts - large vehicles - penalty. The act requires a driver to yield the right-of-way to a driver of a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than 35 feet or a total width of more than 10 feet (large vehicle) when entering, exiting, or driving in the circulatory lanes in a roundabout. The act also requires that when 2 drivers of large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left.

A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge.

APPROVED by Governor March 23, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1123 Rights-of-way - stationary vehicles - move over when hazard lights are flashing. The act requires a motor vehicle driver to move to one lane apart from a stationary motor vehicle when the stationary motor vehicle has its hazard lights activated, 2 lanes move in the same direction, and the driver is able to move to the lane apart. If a driver cannot move to be one lane apart from the stationary motor vehicle, the driver must slow down and drive at a safe speed.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

NATURAL RESOURCES

S.B. 23-139 Wildfire mitigation capacity development fund - appropriations to fund from severance tax operational fund. The act authorizes the general assembly to appropriate up to \$10 million from the severance tax operational fund (operational fund) to the wildfire mitigation capacity development fund (wildfire fund) for state fiscal year 2022-23 and makes a corresponding appropriation.

The act authorizes the general assembly to appropriate up to \$5 million from the operational fund to the wildfire fund for state fiscal year 2023-24 and for each state fiscal year thereafter. Such appropriations may be made only if less than 100% of the money available in the operational fund is used for current core programs.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 23-100 Disposition of property - community property - death of a spouse. The act repeals and reenacts the "Uniform Community Property Disposition at Death Act."

The act applies to community property acquired by spouses while domiciled in a community property jurisdiction and makes clear that if the spouses partition or reclassify their community property or waive rights under the act, the act no longer applies to that property.

The act creates a rebuttable presumption that all property acquired by spouses when domiciled in a jurisdiction where community property could be acquired is presumed to be community property.

The act provides that upon the death of one community property spouse, half of the property the spouses purchased together belongs to the decedent and the other half to the surviving community property spouse.

The act allows a court to recognize reimbursement rights and rights of redress in response to certain bad faith actions by one community property spouse that might impair the rights of the other community property spouse.

APPROVED by Governor March 23, 2023

EFFECTIVE July 1, 2023

PROFESSIONS AND OCCUPATIONS

S.B. 23-77 Real estate - brokerage relationships - broker engagement contracts - prohibited terms. The act states that, with certain exceptions, a broker engagement contract for the sale of a residential premises must not:

- Purport to be a covenant running with the land or to be binding on future owners of interests in the real property;
- Allow for assignment of the right to provide service without notice and agreement of the owner of the residential premises; or
- Purport to create a recordable lien, encumbrance, or other real property security interest. Any such lien, encumbrance, or other real property security interest is void and unenforceable.

The act defines a "broker engagement contract" as a written contract in which a seller, buyer, landlord, or tenant of a residential premises becomes the client of a broker or agrees to retain the services of a broker in the future and promises to pay the broker a valuable consideration or agrees that the broker may receive a valuable consideration from another person in exchange for the broker producing a seller, buyer, tenant, or landlord ready, able, and willing to sell, buy, or rent the residential premises or for performing other services.

A person that offers to a consumer a broker engagement contract that includes a prohibited provision commits an unfair or deceptive trade practice.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-83 Physician assistants - collaborative agreements - requirements - exceptions. The act modifies the relationship between a physician assistant and a physician or podiatrist by removing the requirement that a physician assistant be supervised by a physician or podiatrist except in certain circumstances. Instead, a physician assistant must enter into a collaborative agreement with a physician or podiatrist or physician group. The physician or podiatrist must be licensed in good standing in Colorado and be actively practicing with a regular and reliable physical presence in the state.

The collaborative agreement must include:

- The physician assistant's name, license number, and primary location of practice;
- The signature of the physician assistant and the physician or physician group with whom the physician assistant has entered into the collaborative agreement;
- A description of the physician assistant's process for collaboration;
- A description of the performance evaluation process, which may be completed by the physician assistant's employer in accordance with a performance evaluation and review process established by the employer; and

- Any additional requirements specific to the physician assistant's practice required by the physician or physician group entering into the collaborative agreement, including additional levels of oversight, limitations on autonomous judgment, and the designation of a primary contact for collaboration.

For a physician assistant with fewer than 5,000 practice hours, or a physician assistant changing practice areas with fewer than 3,000 practice hours in the new practice area, the collaborative agreement is a supervisory agreement that must include required elements and must also:

- Require that collaboration during the first 160 practice hours be completed in person or through technology, as permitted by the physician or physician group with whom the physician assistant is collaborating;
- Incorporate elements defining the expected nature of collaboration; and
- Require a performance evaluation and discussion of the performance evaluation with the physician assistant.

For a physician assistant entering into a collaborative agreement with a physician or physician group in the emergency department of a hospital with a level I or level II trauma center, the collaborative agreement remains a supervisory agreement and continues indefinitely.

For a physician assistant changing practice areas to practice in an emergency department of a hospital that is not a level I or level II trauma center, the supervising physician or physician group may increase the number of hours for which the collaborative agreement is a supervisory agreement.

The act also eliminates the 3-year time limit for physician assistants to satisfy certain financial responsibility requirements from which such physician assistants are exempt under current law.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-190 Deceptive trade practices - false advertising - abortion and emergency contraception - professional discipline - medication abortion reversal - rules. The act makes it a deceptive trade practice for a person to make or disseminate to the public any advertisement that indicates that the person provides abortions, emergency contraceptives, or referrals for abortions or emergency contraceptives when the person knows or reasonably should have known that the person does not provide those specific services.

A health-care provider engages in unprofessional conduct or is subject to discipline in this state if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in this state, unless the Colorado medical board, the state board of pharmacy, and the state board of nursing, in consultation with each other, each have in effect rules finding that it is a generally accepted standard of practice to engage in medication abortion reversal. The specified boards shall promulgate applicable rules no later than

October 1, 2023, in consultation with each other, concerning whether engaging in medication abortion reversal is a generally accepted standard of practice.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

H.B. 23-1134 Real estate - home warranty service contracts - contract requirements - replacement of gas-fueled appliances with electric appliances. The act requires every home warranty service contract issued or renewed in Colorado on or after July 1, 2024, that provides coverage for the replacement of any of certain gas-fueled appliances to include terms:

- Allowing the homeowner the option to replace the gas-fueled appliance with a similar device of the homeowner's choosing that operates on electricity rather than gas; and
- Providing that the home warranty service company is required to provide a replacement appliance that satisfies statutory efficiency requirements.

A home warranty service contract may require a homeowner to pay any additional cost to replace a gas-fueled appliance with an appliance that has a cost that exceeds the cost of replacing the gas-fueled appliance with another gas-fueled appliance under the terms of the home warranty service contract, but any additional cost to the homeowner, excluding any installation or other associated costs, must not exceed the retail cost of the replacement electric appliance minus the retail cost of a replacement gas-fueled appliance.

In the case of replacement of a gas-fueled furnace, HVAC system, boiler, or water heater, a home warranty service contract must include terms that allow the homeowner to replace the furnace, HVAC system, boiler, or water heater with a heat pump-based system.

In the case of replacement of a gas-fueled stove, a home warranty service contract must include terms that allow the homeowner to replace the gas-fueled stove with either an electric stove or an induction stove, at the homeowner's discretion.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

PUBLIC UTILITIES

H.B. 23-1051 Rural broadband and telecommunications - high cost support mechanism - continuation of funding to align with sunset review. The high cost support mechanism provides high cost support funding to telecommunications and broadband service providers that provide service in high-cost areas of the state. The high cost support mechanism was scheduled to conclude on December 1, 2023. The act continues support funding from the high cost support mechanism to 12 rural telecommunications providers in Colorado until September 1, 2024. The date aligns with the department of regulatory agencies' 2023 sunset review of the high cost support mechanism and the final determination of the high cost support mechanism by the general assembly in 2024.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1137 Community solar gardens - net metering credits for electric utility purchases of output - calculations for determining credits - cost recovery. Current law requires an electric retail utility (utility) to offer a net metering credit as the means of purchasing output from a community solar garden (CSG) located within the utility's service territory and establishes the means of calculating the net metering credit. The act maintains that calculation if the CSG indicates to the utility that the CSG's subscribers' bill credits change annually. However, if the CSG indicates to the utility that the CSG's subscribers' bill credits remain fixed, the act provides a different calculation for determining the net metering credit. The public utilities commission shall allow a utility to recover costs incurred in implementing and maintaining the net metering credit billing systems.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

REVENUE - ACTIVITIES REGULATION

S.B. 23-19 Motor vehicle dealer board - jurisdiction over out-of-state online dealers. The act requires out-of-state online dealers and salespersons selling motor vehicles or powersports vehicles to submit to the jurisdiction of the motor vehicle dealer board (board) when selling to a Colorado consumer. The act does not require these online dealers and salespersons to obtain a Colorado dealer license or have a physical location in Colorado but requires them to comply with Colorado laws and the board's rules.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-78 Motor vehicle and powersports vehicle dealers - motor vehicle and powersports vehicle manufacturers - reimbursement of dealers for warranty repair work. Before passage of the act, Colorado law required a motor vehicle or a powersports vehicle manufacturer (manufacturer) to timely compensate a motor vehicle or a powersports vehicle dealer (dealer) for warranty repairs based on the dealer's typical charges for parts and labor if these charges were reasonably consistent with the law governing the setting of these charges. The act repeals the condition that the charges must be reasonably consistent with this law, requiring the manufacturer to pay the charges even if there is a dispute as to the charges. The law governing the setting of these charges is not repealed, so the charges must continue to comply with the law.

Before passage of the act, Colorado law governing these charges allowed a manufacturer to challenge the setting of a labor rate or part markup if either was inaccurate or if either was substantially different than the charges of other similarly situated line-make dealers. The act repeals the manufacturer's ability to challenge these charges when the rates are substantially different than the charges of other similarly situated line-make dealers.

In order to challenge the setting of a labor rate or part markup as allowed before the passage of the act, the manufacturer was required to provide the dealer a notice that explains why the calculation was subject to contest. The act changes this requirement, requiring instead that the notice must explain why the calculation is materially inaccurate.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1021 Marijuana - state licensing authority- ability to hold, embargo, and destroy marijuana. The act authorizes the executive director of the department of revenue (state licensing authority), pursuant to standards and processes that the state licensing authority establishes by rule, to:

- Issue an administrative hold on the movement of medical or retail marijuana pending an investigation;
- Embargo medical or retail marijuana when the state licensing authority finds objective and reasonable grounds to believe that the health, safety, or welfare

- of the public imperatively requires emergency action; and
- Order the destruction of embargoed medical or retail marijuana after notice and opportunity for a hearing.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1140 Powersports vehicle dealers - place of business - exceptions. Colorado law requires a powersports vehicle dealer or a used powersports vehicle dealer to maintain a principal place of business. The act clarifies that the following activities are not a violation of this requirement:

- Delivering a powersports vehicle to a customer for a test drive at a location that is away from the dealer's principal place of business;
- Delivering documents for a customer to sign or delivering documents to, or obtaining documents from, a customer at a location that is away from the dealer's principal place of business; or
- Delivering a powersports vehicle to a customer at a location that is away from the dealer's principal place of business.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATE PUBLIC DEFENDER

H.B. 23-1033 Office of alternate defense counsel - contracts for legal services. Current law directs the office of alternate defense counsel (office) to contract with attorneys and investigators to provide legal representation to clients who are indigent. The act directs the office to also contract with other persons who are necessary to provide legal services to persons who are indigent. The act requires that the legal services provided by attorneys and other persons must be commensurate with the legal services that persons who are not indigent receive.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATUTES

H.B. 23-1049 Enactment of Colorado Revised Statutes 2022. The act enacts the softbound volumes of the Colorado Revised Statutes 2022 and the subsequent changes approved by the voters at the general election on November 8, 2022, as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor February 24, 2023

EFFECTIVE February 24, 2023

TAXATION

H.B. 23-1006 Income tax - annual withholding statement - notice of availability of federal and state earned income and child tax credits. The law has required an employer to provide its employees with an annual statement showing the total compensation paid and the income tax withheld for the preceding calendar year. The act requires an employer to also provide written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits at least once annually. An employer may send the written notice to employees electronically, including via e-mail or text message. The written notice must be in English and any other language the employer uses to communicate with employees and must include any additional content that the department of revenue prescribes.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1121 Insurance premium tax - income tax - severance tax - infrequently used tax expenditures. The act repeals the following infrequently used tax expenditures:

- The crop hail insurance premium tax exemption (section 1 of the act);
- The in-state investment pre-1959 insurance premium tax deduction (section 1);
- The corporate condemnation capital gains income tax deduction (section 2);
- The oil shale excess percentage depletion income tax deduction (section 2);
- The mining and milling impact assistance corporate income tax credit (section 3);
- The oil shale equipment and machinery severance tax deduction (section 4);
- The oil shale processing severance tax deduction (section 4);
- The oil shale severance tax rate reductions (section 4);
- The oil shale noncommercial production severance tax exemption (section 4); and
- The mineral and mineral fuels impact assistance severance tax credit (section 5).

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

TRANSPORTATION

H.B. 23-1022 License plates - transferability between fleet vehicles - appropriation. A license plate expires when the owner transfers or assigns the title or interest in the associated motor vehicle and that the owner cannot transfer such a license plate to another motor vehicle. The act exempts license plates issued to the operator of a motor vehicle fleet (fleet operator) that are easily legible and in good condition from such expiration and allows a fleet operator to transfer license plates from one fleet vehicle to another when the fleet operator transfers or assigns the owner's title or interest in the fleet vehicle from which the number plates are being transferred.

For state fiscal year 2023-24, the act appropriates \$2,700 from the Colorado DRIVES vehicle services account in the highway users tax fund to the department of revenue.

APPROVED by Governor April 24, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

WATER AND IRRIGATION

H.B. 23-1125 Conveyance of water rights - groundwater wells - modifications to registration requirements. Current law requires that the owner of a groundwater well (well) permit file any change in name or contact information with the state engineer in person, by mail, or by fax. The act removes the requirement that the filing be in person, by mail, or by fax.

Current law requires the buyers of certain wells to complete a change in owner name form before the closing of the transaction. The act removes the requirement that the form be submitted before the closing of the transaction.

The act clarifies that if an existing well being sold has not been registered with the division of water resources (division), the buyer of the well must submit a registration of existing well form to the division within 63 days after closing the transaction.

Current law states that the division is responsible for obtaining the necessary well registration information from the buyer after the purchase of a well. The act removes this requirement and clarifies that a person who provides a closing service in connection with the purchase of a well must submit a change in owner name form for the well to the division, even if the well has not yet been registered with the division.

If a change in owner name form does not include a well permit number, the act requires the division to instruct the buyer of a well to complete a new change in owner name form or registration of existing well form and requires the buyer to submit the applicable form to the division.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.